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Counsel for Plaintiffs-Counterclaim Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|--|---|---------------------------|
| NOEL THOMAS PATTON, ASIA BIOTECH CORP. | : | |
| and TELOMERASE ACTIVATION SCIENCES, INC. | : | Case No. 1:12-cv-02500-vm |
| | : | |
| Plaintiffs-Counterclaim Defendants, | : | |
| | : | |
| -against- | : | |
| BRIAN EGAN, | : | |
| | : | |
| Defendant-Counterclaim Plaintiff. | : | |

**DECLARATION OF KENNETH J. KATZ IN SUPPORT OF MOTION TO DISMISS
COUNTERCLAIMS**

I, Kenneth J. Katz, hereby declare under the penalty of perjury as follows:

1. I am a partner at the firm of Kerr & Katz, LLP, and counsel for Plaintiffs-Counterclaim Defendants in the above captioned action. I respectfully submit this Declaration in support of Plaintiffs-Counterclaim Defendants' motion for an order, pursuant to Federal Rules of Civil Procedure 9(g) and 12(b)(6), dismissing all Counterclaims.
2. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint, originally filed in New York State Supreme Court, New York County.
3. Attached hereto as Exhibit 2 is a true and correct copy of the Notice of Removal filed by Defendant-Counterclaim Plaintiff.
4. Attached hereto as Exhibit 3 is a true and correct copy of the Answer with Counterclaims.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Plaintiffs-Counterclaim Defendants' required pre-motion letter dated April 20, 2012 to Defendant-Counterclaim Plaintiff's counsel.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Defendant-Counterclaim Plaintiff's required pre-motion response letter dated April 27, 2012 received by Plaintiffs-Counterclaim Defendants' counsel.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Defendant-Counterclaim Plaintiff's Complaint currently pending before the New York State Human Rights Division.

8. To date our office has not received any order from the New York State Human Rights Division dismissing the Defendant-Counterclaim Plaintiff's Complaint. (Ex. 6)

Dated: May 1, 2012
New York, New York

KERR & KATZ, LLP

By: /s/ Kenneth J. Katz

Kenneth J. Katz

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